

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE, NATIONAL LAWYERS GUILD, AMERICAN FRIENDS SERVICE COMMITTEE, TAREEF KAWA, DANIEL KESSELBRENNER, and GABRIEL CAMACHO |) | |
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| |) | |
| Plaintiffs, |) | |
| v. |) | |
| |) | |
| MASSACHUSETTS BAY TRANSPORTATION AUTHORITY and JOSEPH C. CARTER, in his official capacity |) | |
| |) | |
| |) | |
| Defendants |) | |
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| | CIVIL ACTION NO. 04-11652-GAO |
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JOINT STIPULATION OF DISMISSAL

Pursuant to Fed.R.Civ.P. 41(a), Plaintiffs and Defendants hereby jointly and voluntarily move to dismiss the instant class action suit against the Massachusetts Bay Transportation Authority (MBTA) and MBTA Police Chief Joseph Carter seeking permanent injunctive relief protecting them from unreasonable seizures of their persons and searches of their belongings before riding on the MBTA, as well as a declaration that the proposed search policies of the MBTA are unconstitutional under the Fourth Amendment to the United States Constitution.

As reason therefore, the parties state that this matter is moot. The challenged policy has not been used as a basis for a search since this court's decision on July 29, 2004 denying a preliminary injunction. Rule 23(e)(1)(A) does not require court approval or further notice to potential class members affording them an opportunity to object to this voluntary dismissal because a class has not yet been certified. Fed.R.Civ.P. 23(e)(4)(A); Fed.R.Civ.P. 41(a)(1). Also, because this dismissal is without prejudice, it is not binding on any potential class member.

WHEREFORE, plaintiffs and defendants jointly request that this Court issue a Dismissal of this action, without prejudice.

RESPECTFULLY SUBMITTED,

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